

CITY OF ROSENBERG

REGULAR CITY COUNCIL MEETING MINUTES

On this the 3rd day of May 2016, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

Present: Cynthia A. McConathy, Mayor
William Benton, Councilor at Large, Position 1
Amanda J. Barta, Councilor at Large, Position 2
Jimmie J. Pena, Councilor, District 1
Susan Euton, Councilor, District 2
Lynn Moses, Councilor, District 4

Absent: Lisa Wallingford, Councilor, District 3

Staff Present: John Maresh, Interim City Manager
Scott M. Tschirhart, City Attorney
Linda Cernosek, City Secretary
Joyce Vasut, Executive Director of Administrative Services
Travis Tanner, Executive Director of Community Development
Ian Knox, Planning Administrator
Charles Kalkomey, City Engineer
Tonya Palmer, Building Official
Dallis Warren, Police Chief
Wayne Jory, Police Lieutenant
Cody Dailey, Police Lieutenant
Darrell Himly, Assistant Fire Chief
Justin Jurek, Fire Marshal
Darren McCarthy, Parks and Recreation Director
Randall Malik, Economic Development Director
Rigo Calzoncin, Public Works Director
Valente Martinez, Fleet Manager
Melissa Pena, Program Manager
Jenny Pavlovich, Communications Manager
Luis Garza, Accounting Supervisor
Daniel Kelleher, Main Street Manager
Kaye Supak, Executive Assistant
Danyel Swint, Executive Assistant
Alex Cano, Maintenance and Operations Specialist
Steve Castaneda, Maintenance and Operations Technician
Alfredo Garcia, Maintenance and Operations Specialist
Ruben Gutierrez, Maintenance and Operations Technician
Jose Lopez, Maintenance and Operations Specialist
Leroy Lopez, Maintenance and Operations Technician
David Salinas, Maintenance and Operations Foreman

Call to order: City Hall Council Chamber

Mayor McConathy called the meeting to order at 7:00 p.m.

Invocation and Pledge of Allegiance.

Reverend Daniel Haas, St. John's United Church of Christ, Rosenberg, Texas, gave the invocation and led in the pledge of allegiance to the flag.

Introduction of New Rosenberg Police Officers and Employees.

Dallis Warren, Police Chief, introduced the following new Rosenberg Police Officers and Employees:

- Brandon Armstrong, Police Officer
- Nicole Emidy, Police Officer
- Ramon Gallegos, Police Officer
- Michael Gonzalez, Police Officer
- Alvaro Guerrero, Police Officer
- Shelby Macha, Police Officer
- Blake Mican, Police Officer
- Earnest Torres, Police Officer
- Wade Wehring, Police Officer
- Christopher Gonzalez, Jailer

Presentation of Certificates of Appreciation to 2016 Easter Egg Hunt Volunteers and Sponsors.

Darren McCarthy, Parks and Recreation Director, presented Certificates of Appreciation to:

- Annalee Machemehl
- Another Time Soda Fountain
- Austin High School National Honor Society
- Austin High School YES Program
- B. F. Terry High School National Honor Society
- First Baptist Church of Rosenberg Youth Group
- Girl Scout Troop 3503
- George Ranch High School Student Council
- Neil Wleczyk

Presentation of Awards to the Rosenberg Architectural Appreciation Contest Winners.

Mayor McConathy, with assistance from Renée Butler and Brandon Campbell, presented the following awards:

- 3rd Place - Keith Marrero
- 2nd Place - Cynthia A. Azzam
- 1st Place - Cynthia A. Azzam

Presentation of Proclamation Proclaiming May 2016 as National Preservation Month in the City of Rosenberg.

Mayor McConathy presented the Proclamation to Dan Kelleher, Main Street Manager, and members of the Main Street Advisory Board.

Presentation of Proclamation Proclaiming the Week of May 15-21, 2016, as National Public Works Week in the City of Rosenberg.

Mayor McConathy presented the Proclamation to Rigo Calzoncin, Public Works Director, and Fleet Maintenance, Public Works and Building Maintenance employees.

Announcements.

- Mayor McConathy announced there will be a crawfish boil benefiting Rosenberg Police Department Chaplain Bruce Gilbert on Friday, May 6, 2016, from 12:00 p.m. to 8:00 p.m., in the clubroom at the Fort Bend County Fairgrounds. Tickets are \$10.00 and those interested may contact the Rosenberg Police Officers Association for tickets.
- Scott Tschirhart, City Attorney, invited the City Council to the 2016 Hog Wild Presentation, a free continuing education seminar for government employees and officials at Texas State University on May 26 and 27, 2016.

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

- Ben Pawlak of 818 Southgate Drive, Rosenberg, Texas, stepped forward to address City Council regarding an ongoing barking dog nuisance and requested better support from the City to resolve the issue.
- Renée Butler of 1100 George Street, Rosenberg, Texas, stepped forward to address City Council as a business owner (Another Time Soda Fountain) and on behalf of the Main Street Advisory Board to express their thanks for the City's support of the revitalization efforts for downtown Rosenberg through the Main Street Program and to request support for the Livable Centers Study, particularly for street lights, sidewalk repairs, and way-finding signage in the downtown district to accommodate increased customer traffic.
- Rose Pickens of 211 5th Street, Rosenberg, Texas, stepped forward to address City Council regarding the Livable Centers Study and encouraged City Council to approve the recommended improvements on 3rd Street from Avenue H to the Brazos River.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. Review of Consent Agenda.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **Consideration of and action on minutes of the Regular City Council Meeting on April 19, 2016.**
- C. **Consideration of and action on Resolution No. R-2135, a Resolution acknowledging the acceptance, by Right-of-Way Deed, of a 0.308 acre tract of land situated in the Slavin and George Subdivision, Volume 64, Pages 252 and 253 of the Fort Bend County Deed Records, and being out of the original Robert M. Cortez, Jr., call 138.6472 acre tract, Volume 799, Page 586 of the Fort Bend County Deed Records, and Guadalupe A. Cortez call 52.6338 acre tract, Volume 2011122445, and being in the Fred G. Schmidt Survey, Abstract No. 461, in Fort Bend County, Texas, and generally located at Randon School Road and S Miller Road.**

EXECUTIVE SUMMARY

The subject property at 4428 Randon School Road is generally located at the intersection of Randon School and Miller Roads and consists of 52.6326 acres. The City has a requirement that property must be platted in order to obtain building permits per City ordinance and the applicant has requested an exemption from this requirement to build a single-family residence. To avoid having to go through the platting process for one single-family structure, staff informed the applicant that they could dedicate any rights-of-way or easements that may be necessary and file a plat exemption form to expedite their building permit.

Staff identified that twenty feet (20') of right-of-way was needed along Randon School Road, which is classified as an arterial street in the City's Major Thoroughfare Plan. The applicant has provided the attached deed, legal description and metes and bounds description for the City's review. Staff has reviewed and found no issues with the proposed deed. However, City Council action is required to formally authorize the acceptance, hence the item being placed on the Agenda. Staff recommends approval of Resolution No. R-2135, authorizing the acceptance of said right-of-way deed, attached to the Resolution as Exhibit "A".

- D. **Consideration of and action on a Final Plat of The Trails at Seabourne Parke Section Four, a subdivision of 21.641 acres located in the G.M. Stone 1/3 League Survey, Abstract 312, City of Rosenberg, Fort Bend County, Texas (Fort Bend County Municipal Utility District No. 147); 103 lots, 3 reserves and 4 blocks.**

EXECUTIVE SUMMARY

The Final Plat of The Trails at Seabourne Parke Section Four consists of 21.641 acres, 103 single-family residential lots, and three (3) reserves in four (4) blocks. It is located south of J. Meyer Road off of Park Thicket Lane, immediately east of The Trails at Seabourne Parke Section One. It is generally in the northeast quadrant of The Trails at Seabourne Parke adjoining Seabourne Creek to the east. The Plat is located within the City Limits and in Fort Bend County MUD No. 147.

All proposed lots are fifty feet (50') in width and a minimum of 6,000 square feet in size since the Land Plan was approved before the current standards relating to lot size. The Plat is in general conformance with the approved Land Plan dated June 2003 (see attached) in terms of density and lot size. The development was assigned to LGI Homes in 2014, and they are developing in accordance with the previously approved Land Plan.

The Planning Commission considered and recommended approval of this Final Plat on April 20, 2016. Staff recommends approval of the Final Plat of The Trails at Seabourne Parke Section Four.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor at Large, Position 2 Amanda Barta, to approve Consent Agenda items A, C, and D.

Vote: 6 - 0 Carried unanimously by those present.

REGULAR AGENDA

2. *This item was formerly Item B on the Consent Agenda.*

Consideration of and action on authorization for the proposed installation of speed humps along Lory Street.

EXECUTIVE SUMMARY

This item has been included on the Agenda to allow City Council to consider approval of a request regarding the installation of speed humps on Lory Street. Included for reference in the City's Policies and Procedures for Traffic Calming, Speed Hump Installation and Removal (Policy), a map that includes the location of the proposed speed humps, the Notification/Evidence of Support Application, and the quote for the installation of speed humps using hot-mix asphalt.

Within the Policy, under B3 in Item II entitled Installation of Speed Humps by Citizen Request, the section states in part: ... "There must be at least 75% of the property owners and residents in support of the installation in order to proceed..." More specifically, there are sixteen (16) residential homes located on Lory Street. Sixteen (16) of the homes stated they are in support of the speed hump installations; twelve (12) residents were in support of the initial request submitted on April 15, 2016, while the remaining four (4) residents provided their support on April 27, 2016. This equates to approximately 100% of the property owners being in support. Staff has determined that, in this case, the information submitted does exceed the 75% threshold.

Upon approval of the request, staff will proceed with the installation of two (2) asphalt speed humps on Lory Street.

KEY DISCUSSION POINTS

- Rigo Calzoncin, Public Works Director, presented the item and reviewed the Executive Summary.
- Councilor Benton stated that he is pleased to see this item and that many of the Lory Street residents are present tonight. The first speed humps were installed on Sally Anne Drive in December of 2014. Since that time, speed humps have been requested and installed on several other streets and he feels this is a good example of responsive government.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses, to approve the installation of speed humps along Lory Street.

Vote: 6 - 0 Carried unanimously by those present.

3. *This item was formerly item 2 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2142, a Resolution authorizing the award of a Rosenberg Main Street Program Façade Improvement Matching Grant in the amount of \$1,850 to Robert Vogelsang for improvements to 1900-1917 Avenue G.

EXECUTIVE SUMMARY

At its March 24, 2016 meeting, the Main Street Advisory Board recommended that the Rosenberg City Council award a Main Street Program Façade Improvement Matching Grant (Grant) to Robert Vogelsang in an amount not to exceed \$1,850.00, which is slightly less than half of the total project cost, and that this Grant award should be conditioned on the following:

- The work shall be undertaken in a manner that is consistent with the recommendations outlined in the Texas Main Street Program (TMSP) Design Report that was produced for this project (see attached); and,
- The "Vogelsang Antique Emporium" sign shall be fabricated and installed using three dimensional letters, and not letters that are simply painted on to the masonry.

Staff and the Main Street Advisory Board recommend approval of Resolution No. R-2142, authorizing a Grant award of \$1,850.00 to Robert Vogelsang for improvements to the Vogelsang Building located at 1900-1917 Avenue G.

KEY DISCUSSION POINTS

- Dan Kelleher, Main Street Manager, presented the item and reviewed the Executive Summary.
- Councilor Euton expressed her support for the improvement.
- Councilor Peña stated that he sits on the Main Street Advisory Board and is impressed with the Main Street Program and the activities that have been generated by this group in the downtown area and he applauds this group for their hard work.
- Councilor Barta expressed her support and appreciation for the Main Street Program.
- Councilor Benton inquired if a local sign company would be used and how many estimates were sought for the signage.
- Mr. Kelleher replied that he was not sure which company would be doing the work and he thought two estimates were sought and received.
- Councilor Moses stated that the downtown area has come a long way and congratulated the Main Street Program on their hard work.
- Mayor McConathy expressed her congratulations to the Vogelsangs on the building improvement.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2142, a Resolution authorizing the award of a Rosenberg Main Street Program Facade Improvement Matching Grant in the amount of \$1,850 to Robert Vogelsang for improvements to 1900-1917 Avenue G.

Vote: 6 - 0 Carried unanimously by those present.

4. *This item was formerly item 3 on the Regular Agenda.*

Consideration of and action on Ordinance No. 2016-15, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 152 (Walnut Creek) for the sale and issuance of Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$4,460,000.

EXECUTIVE SUMMARY

Attached for your consideration is Ordinance No. 2016-15 granting the City's consent to Fort Bend County Municipal Utility District No. 152 to sell and issue bonds in an amount not to exceed \$4,460,000. The development is generally identified as Walnut Creek and is located at FM 2977 and Ricefield Road. On August 12, 2004, Lennar Homes of Texas Land and Construction, Ltd., and F. Kirby Cobb Trust submitted a petition to the City to create a Municipal Utility District that included approximately 327 acres located within the corporate limits and extraterritorial jurisdiction of the City of Rosenberg, to be known as Fort Bend County Municipal Utility District No. 152 (MUD No. 152). Accordingly, the Petition for Consent and associated Ordinance No. 2004-27 were approved by City Council at that time.

The District creation was confirmed by an election held on November 8, 2005 with a 2-0 vote. At that election, the District was granted authorization for \$42,970,000 in Water, Wastewater, and Drainage bonds, \$25,782,000 in Refunding bonds (allows the District to refinance the debt at lower interest rates), and \$7,355,000 in Recreational bonds.

There have been two (2) approved bond sales outlined as follows:

- The first bond sale was approved by City Council on September 21, 2010, in the amount of \$2,380,000 through Ordinance No. 2010-21.
- The second bond sale application was submitted by MUD No. 152 to the Texas Commission on Environmental Quality (TCEQ) in October 2013 requesting a proposed sale in the amount of \$2,100,000; however, the amount was amended to \$1,865,000. The second bond sale was approved by City Council on September 30, 2014, in the amount of \$1,865,000 through Ordinance No. 2014-39.

The proposed bond application is for Phase I Detention Facilities, utilities for Rosehaven Section One, utilities for Rosehaven Section Two, utilities along Kirby Cobb Boulevard, Phase II Detention Facilities. The bond application also includes the normal legal, financial, and engineering fees association with the projects and the bond sale. With the proposed bond application, the current outstanding debt would be \$8,940,000. After this proposed bond sale, the District will have a remaining bonding capacity of \$34,030,000. A significant portion of the District has been developed, but there is still undeveloped acreage within the District.

The Series 2010 Bonds will be retired in 2034. The Series 2014 bonds will be retired in 2038. The proposed Series 2016 Bonds will retire in 2039. The District's current ad valorem tax rate is \$1.37 per \$100 valuation, which is the same as in 2015. Between 2005 and 2014, the ad valorem tax rate was 1.45 per \$100 valuation.

Much of the submission documentation provided by MUD No. 152 for this proposed sale such as the Bond Order authorizing the Issuance of Bonds by MUD No. 152, the Preliminary Official Statement/Notice of Sale, Resolution Authorizing the Issuance of Bonds by MUD No. 152, Cash Flow Analysis, Debt Fund Schedule, Summary of Costs, TCEQ application/submission, along with minute excerpts and related Ordinances/Resolutions are available for review in the City Secretary's Office.

Staff has reviewed the documentation and found it to be in compliance with applicable City Ordinances. Staff is recommending approval of Ordinance No. 2016-15 thus authorizing the sale of Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$4,460,000.

KEY DISCUSSION POINTS

- Charles Kalkomey, City Engineer, presented the item and reviewed the Executive Summary.
- Councilor Moses inquired if the bonds would be refinanced together or would they be separate.
- Julie Williams of Rathman and Associates, financial advisors to MUD No. 152, replied that they evaluate each maturity of each bond issue separately and only refinance those maturities that provide savings on their own. It is an individual evaluation based on interest rates for the original bonds and current rates.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor, District 2 Susan Euton, to approve Ordinance No. 2016-15, an Ordinance granting consent to the Fort Bend County Municipal Utility District No. 152 (Walnut Creek) for the sale and issuance of Unlimited Tax Bonds, Series 2016, in an amount not to exceed \$4,460,000.

Vote: 6 - 0 Carried unanimously by those present.

5. *This item was formerly item 4 on the Regular Agenda.*

Consideration of and action on Resolution No. R-2129, a Resolution awarding Bid No. 2016-13 for the construction of Avenue F/3rd Street Downtown Parking Lot Project Phase I; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

EXECUTIVE SUMMARY

At the February Joint City Council and Rosenberg Development Corporation (RDC) Meeting, the RDC Board directed staff to move forward with the final design of the Avenue F/3rd Street Downtown Parking Lot Project (Project). Bid No. 2016-13 was issued for construction of Phase I of the Project and sealed bids were received on Wednesday, March 23, 2016. A total of two (2) bids were opened and tabulated as indicated on the attached bid summary form.

The RDC considered bids received at the regular meeting on April 14, 2016, and after some discussion, opted to recommend the concrete paving option for an additional \$8,348.69 and that Bid No. 2016-13 be awarded to Excel Paving for the alternate B bid in the amount of \$342,826.07. The attached correspondence from Craig Kalkomey, Project Engineer with Jones and Carter, Inc., recommends same. Should the bid be awarded as recommended, the proposal from Excel Paving shall be attached to serve as Exhibit "A" to Resolution No. R-2129. The RDC Board has approved a budget amendment in the amount of \$150,000 to cover the cost of this bid proposal. City Council approval of the RDC budget adjustment is presented in a subsequent Agenda item.

Staff and the RDC Board recommend approval of Resolution No. R-2129 which will award Bid No. 2016-13 and provide authorization for the Interim City Manager to negotiate and execute all required documents to facilitate the project.

KEY DISCUSSION POINTS

- Randall Malik, Economic Development Director, presented the item and reviewed the Executive Summary.
- Councilor Euton stated that this parking lot has been needed for a long time and she is pleased to see the option for concrete was chosen as it will last much longer than asphalt.
- Councilor Peña stated that the concrete is preferable in that it will last quite a while longer.
- Councilor Barta inquired when the project will begin?
- Mr. Malik replied that it is a 90-day project and upon approval, would begin very soon.
- Councilor Benton inquired if Sealy Paving had been contacted to submit a bid.
- Mr. Malik replied that bids had already been received and opened when that suggestion was made.
- Councilor Benton stated that perhaps some changes are needed to the bid process since we seem to be getting only two bids for projects costing several hundred thousand dollars. Two bids are not enough. Is it that the cost of asphalt has increased so much?
- Mr. Kalkomey replied that asphalt versus concrete comes down to a labor issue and what the contractors are comfortable working with.
- Councilor Benton stated that he does not feel that staff is doing their due diligence by the tax payers. We have staff that can make phone calls and encourage businesses to bid.
- Councilor Moses inquired if the 90-day construction window applies to both concrete and asphalt.
- Mr. Kalkomey replied that it does.
- Councilor Moses stated that she would like to look into the City's bidding process in the future.
- Councilor Barta inquired where the bids are advertised for businesses to respond.
- Mr. Kalkomey replied that there is a central clearing house that contractors use and staff makes phone calls to ensure they are aware the bids are available. We contact as many as we can and some businesses simply choose not to bid.
- Councilor Moses inquired if historically under-utilized businesses (HUBs) or women-owned businesses are being contacted and invited to bid.
- Mr. Kalkomey replied he does not think those businesses are being contacted.
- Councilor Moses stated that as much as she prefers to keep this work for local companies, it may be better for the City's bottom line and provide more options to open up the bid process to a greater number of businesses.
- Mayor McConathy stated she is in favor of the parking lot improvement of concrete over asphalt and would like to revisit the City's bid process at a future Workshop meeting.

ACTION

Motion by Councilor at Large, Position 2 Amanda Barta, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2129, a Resolution awarding Bid No. 2016-13 to Excel Paving in the amount of \$342,826.07 for the construction of Avenue F/3rd Street Downtown Parking Lot Project Phase I; and, authorizing the Interim City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same.

Vote: 6 - 0 Carried unanimously by those present.

6. *This item was formerly item 5 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2139, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-08 in the amount of \$150,000.00 for the additional cost associated with construction of the Avenue F/3rd Street Downtown Parking Lot Project Phase I.

EXECUTIVE SUMMARY

On April 14, 2016, the Board of Directors of the Rosenberg Development Corporation (RDC) approved Resolution No. RDC-102 which amended the FY2015-16 RDC Projects Budget by reallocating \$150,000.00 for the Avenue F/3rd Street Downtown Lot Project (Project). The current budget of \$250,000.00 was allocated for engineering and construction costs associated with the Project. The remaining balance for the Project is not enough to cover the construction bid proposal, as presented in the previous Agenda item. This adjustment, attached to Resolution No. R-2139 as Exhibit "A", will reallocate funds that are remaining from other projects to this Project.

Staff recommends approval of Resolution No. R-2139.

KEY DISCUSSION POINTS

- Joyce Vasut, Executive Director of Administrative Services, presented the item and reviewed the Executive Summary.
- Councilor Benton stated that this budget amendment is needed for the project we just approved and did not budget enough for the original project scope.
- Ms. Vasut replied that is correct.
- Councilor Benton inquired where those funds are coming from.
- Ms. Vasut replied that some completed RDC projects had funds remaining that will be utilized to cover the parking lot project.
- Councilor Benton stated that sounds like poor planning on the RDC's part and he would encourage the RDC Board and staff to plan better for future projects.
- Mr. Malik stated that the RDC has \$75,000 in savings available from the transportation gateway grounds maintenance contracts as well as funds leftover from other projects.
- Councilor Barta stated that funds were leftover from other projects that were over-budgeted and there was no need to borrow funds.
- Councilor Peña stated that this project came into being over many phases and was budgeted two years ago. At the time, that was a good estimate, especially since the initial plan was to build this project in asphalt.
- Councilor Euton expressed her support for the RDC and applauded them for having the funds in reserve to complete this project without going to another source of funding.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor at Large, Position 2 Amanda Barta to approve Resolution No. R-2139, a Resolution authorizing the Interim City Manager to execute, for and on behalf of the City, Budget Amendment 16-08 in the amount of \$150,000.00 for the additional cost associated with construction of the Avenue F/3rd Street Downtown Parking Lot Project Phase I.

Vote: 6 - 0 Carried unanimously by those present.

7. *This item was formerly item 6 on the Regular Agenda.*
Consideration of and action on Quarterly Financial Report and Quarterly Investment Report for the quarter ended March 31, 2016.

EXECUTIVE SUMMARY

Overall, the financial status of the City is stable. Most funds have positive variances when compared to budget and prior year actuals. The largest revenues of sales tax shows a slight decrease when compared to budget and prior year's actual and property tax revenues show a positive trend when compared to budget. Most expenses are within the 50% benchmark for the second quarter of fiscal year 2016.

Staff will continue to monitor the revenues and expenses. At this time, no major changes need to be made to the budget projections. Additionally, the Quarterly Investment Report is included for your review as required by the Public Funds Investment Act.

Staff recommends the acceptance of the Quarterly Financial Report and the Investment Report for the second quarter of fiscal year 2016.

KEY DISCUSSION POINTS

- Ms. Vasut presented the item and reviewed the Executive Summary.

ACTION

Motion by Councilor at Large, Position 2 Amanda Barta, seconded by Councilor at Large, Position 1 William Benton to approve the Quarterly Financial Report and Quarterly Investment Report for the quarter ended March 31, 2016.

Vote: 6 - 0 Carried unanimously by those present.

Mayor McConathy called for a five minute break at 8:25 p.m., and reconvened the meeting at 8:30 p.m.

8. *This item was formerly item 7 on the Regular Agenda.*
Consideration of and action on Resolution No. R-2143, a Resolution of the City finding that CenterPoint Energy Houston Electric, LLC's application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code § 25.243 and to reconcile Docket No. 44572 revenues to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.

EXECUTIVE SUMMARY

On or about April 04, 2016, CenterPoint Energy Houston Electric, LLC ("CenterPoint" or "Company") filed an Application for Approval to Amend its Distribution Cost Recovery Factor (DCRF) pursuant to 16 Texas Administrative Code ("TAC") 25.243 and to reconcile Docket No. 44572 Revenues with each of the Gulf Coast Coalition of Cities (GCCC) that has retained jurisdiction over CenterPoint's rates. In the filing, CenterPoint is seeking an increase in distribution revenues of \$49,351,913 for the period of September 01, 2016, to August 31, 2017, and increasing to \$60,596,164 thereafter.

GCCC has engaged the services of a consultant, Mr. Karl Nalepa, to review CenterPoint's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to CenterPoint's request. Therefore, GCCC is recommending that the Cities deny the requested rate change at this time.

The City of Rosenberg must deny the application by June 03, 2016, or the rate increase requested by CenterPoint will automatically become effective. Accordingly, GCCC's legal counsel is requesting that each GCCC city adopt the Resolution to deny CenterPoint's request for a rate increase. If the Resolution is adopted, CenterPoint will have thirty (30) days to appeal the decision to the Public Utility Commission where the appeal will be consolidated with CenterPoint's filing for the environs and those cities that have relinquished their original jurisdiction currently pending at the Commission.

Resolution No. R-2143 has been included to provide City Council the opportunity to deny CenterPoint's request for a rate increase.

KEY DISCUSSION POINTS

- John Maresh, Interim City Manager, presented the item and reviewed the Executive Summary.
- Scott Tschirhart, City Attorney, stated that this is something we did last year and will be a recurring issue. Legal counsel also recommends approval of this Resolution.
- Dominique Robinson of CenterPoint Energy located at 4011 Avenue H stepped forward to address Council.
- Brief discussion was held regarding "pass through fees" and the permitting of CenterPoint's door to door solicitors.

ACTION

Motion by Councilor at Large, Position 1 William Benton, seconded by Councilor, District 4 Lynn Moses to approve Resolution No. R-2143, a Resolution of the City finding that CenterPoint Energy Houston Electric, LLC's application for approval to amend its distribution cost recovery factor pursuant to 16 Tex. Admin. Code § 25.243 and to reconcile Docket No. 44572 revenues to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel.

Vote: 6 - 0 Carried unanimously by those present.

9. *This item was formerly item 8 on the Regular Agenda.*

Consideration of and action on Ordinance No. 2016-14, an Ordinance amending the Code of Ordinances by amending Chapter 6 ("Buildings and Building Regulations"), Article IX ("Dangerous Buildings"); providing for a penalty; providing that this Ordinance shall be cumulative; providing for severability; and providing an effective date.

EXECUTIVE SUMMARY

This item has been placed on the Agenda with the intent of improving the procedural aspects of the City's "Dangerous Buildings" Ordinance (Code of Ordinances, Chapter 6, Article IX). Improving these aspects will allow for successful implementation of the Dangerous Buildings program going forward.

Staff recommends approval of Ordinance No. 2016-14.

KEY DISCUSSION POINTS

- Mr. Tschirhart presented the item and reviewed the Executive Summary. This revised Ordinance brings the City into compliance with Section 214 of the Texas Local Government Code and recent case law that requires an appeals process to be built into the Ordinance since it potentially deprives someone of a property right. Legal counsel has worked with City staff to ensure the Ordinance is enforceable.
- Councilor Peña expressed his support for the Ordinance.
- Councilor Benton requested that Building Official Tonya Palmer step forward and inquired how long it had been since the City has had an active Dangerous Buildings program.
- Ms. Palmer replied that it has been at least two years.
- Mr. Tschirhart replied that the judge had objections with regard to due process and appeal rights and the program was suspended until a relevant lawsuit in the City of Dallas was resolved.
- Councilor Benton inquired how many buildings have been identified that would qualify under this Ordinance.
- Ms. Palmer estimated 15-20 structures.
- Councilor Benton inquired if this Ordinance provides for demolition by the City.
- Ms. Palmer replied that it provides the process but does not appropriate funding.
- Councilor Benton expressed his support for the Ordinance.
- Mayor McConathy requested that "or abandoned" be added to Section 6-272 - Dangerous building. Number 3 defines the condition of the structure as unoccupied and requested the addition of "or abandoned" to that subsection.
- Mr. Tschirhart replied that if we include "abandoned", a definition of "abandoned building" would also need to be added. This Council could pass this Ordinance tonight with those revisions or the Ordinance could be revised and brought back to another meeting for consideration.
- Mayor McConathy inquired if it would be possible to define a timeframe from identification of a structure as dangerous to resolution.
- Mr. Tschirhart stated that it is contemplated when the Code Enforcement officers give notice of the violation. The time frame that the City operates from are from an enforcement standpoint and not how long the structure has actually been in that condition.
- Mayor McConathy requested the addition of a GIS location map of the property to Section 6-276. - Hearing - Notice.
- Ms. Palmer replied that Code Enforcement also confirms location and property ownership through title searches and research of the County's records as part of the due diligence process. The case the City puts together as comprehensive a case file as we can.

ACTION

Motion by Councilor, District 4 Lynn Moses, seconded by Councilor at Large, Position 2 Amanda Barta to approve Ordinance No. 2016-14, an Ordinance amending the Code of Ordinances by amending Chapter 6 ("Buildings and Building Regulations"), Article IX ("Dangerous Buildings"); providing for a penalty; providing that this Ordinance shall be cumulative; providing for severability; and providing an effective date with the addition of a definition of "abandoned building" to Section 6-271, the addition of "or abandoned" to Section 6-272(3), and the addition of a GIS map to Section 6-276 - Hearing-Notice.

Vote: 6 - 0 Carried unanimously by those present.

10. *This item was formerly item 9 on the Regular Agenda.*

Hold Executive Session to deliberate the potential purchase, exchange, lease, or value of real property pursuant to Texas Government Code Section 551.072; to deliberate appointment, employment and evaluation of the position of City Manager pursuant to Section 551.074 of the Texas Government Code; and, to deliberate economic development negotiations pursuant to Section 551.087 of the Texas Government Code.

ACTION

Motion by Councilor at Large, Position 2 Amanda Barta, seconded by Councilor, District 4 Lynn Moses to adjourn for Executive Session.

Vote: 6 - 0 Carried unanimously by those present.

11. *This item was formerly item 10 on the Regular Agenda.*
Adjourn Executive Session, reconvene Regular Session, and take action as necessary as a result of Executive Session.
Mayor McConathy adjourned the Executive Session and reconvened into Regular Session.

ACTION

Motion by Councilor, District 2 Susan Euton, seconded by Councilor, District 4 Lynn Moses to authorize the Interim City Manager to negotiate and execute documents, for and on behalf of the City of Rosenberg, for the purchase of certain real property associated with the Bryan Road Realignment and Expansion Project, more particularly described as Parcel #10, a certain 0.0671 acre tract of land being out of a certain tract of land conveyed to Ryan Pennington, as recorded in File No. 2005019924 of the Official Public Records of Real Property of Fort Bend County, Texas, located in the Robert E. Handy Survey, Abstract 87, City of Rosenberg, Fort Bend County, Texas.

Vote: 6 - 0 Carried unanimously by those present.

12. *This item was formerly item 11 on the Regular Agenda.*
Adjournment.
There being no further business, Mayor McConathy adjourned the meeting at 9:45 p.m.


Linda Cernosek, TRMC, City Secretary